

CHAPTER 2024-269

Committee Substitute for Committee Substitute for House Bill No. 1063

An act relating to chiropractic medicine; amending s. 460.403, F.S.; revising the definition of the term “practice of chiropractic medicine” to include a specified treatment; amending s. 460.406, F.S.; revising education requirements for licensure as a chiropractic physician; creating s. 460.4085, F.S.; requiring the Board of Chiropractic Medicine to establish minimum standards of practice for the performance of dry needling by chiropractic physicians, including specified education and training requirements and restrictions on such practice; authorizing the board to take specified actions at the request of a chiropractic physician; requiring the board to issue a chiropractic physician a letter certifying that he or she is authorized to perform dry needling if the chiropractic physician submits certain documentation to the board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (9) of section 460.403, Florida Statutes, is amended to read:

460.403 Definitions.—As used in this chapter, the term:

(9)(a) “Practice of chiropractic medicine” means a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body in which vertebral subluxations and other malpositioned articulations and structures that are interfering with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body, thereby causing disease, are adjusted, manipulated, or treated, thus restoring the normal flow of nerve impulse which produces normal function and consequent health by chiropractic physicians using specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education. No person other than a licensed chiropractic physician may render chiropractic services, chiropractic adjustments, or chiropractic manipulations.

(b) Any chiropractic physician who has complied with the provisions of this chapter may examine, analyze, and diagnose the human living body and its diseases by the use of any physical, chemical, electrical, or thermal method; use the X ray for diagnosing; phlebotomize; and use any other general method of examination for diagnosis and analysis taught in any school of chiropractic.

(c)1. Chiropractic physicians may adjust, manipulate, or treat the human body by manual, mechanical, electrical, or natural methods; by the use of physical means or physiotherapy, including light, heat, water, or

exercise; by the use of acupuncture; by the use of monofilament intramuscular stimulation treatment, also known as dry needling, for trigger points or myofascial pain; or by the administration of foods, food concentrates, food extracts, and items for which a prescription is not required and may apply first aid and hygiene, but chiropractic physicians are expressly prohibited from prescribing or administering to any person any legend drug except as authorized under subparagraph 2., from performing any surgery except as stated herein, or from practicing obstetrics.

2. Notwithstanding the prohibition against prescribing and administering legend drugs under subparagraph 1. or s. 499.83(2)(c), pursuant to board rule chiropractic physicians may order, store, and administer, for emergency purposes only at the chiropractic physician's office or place of business, prescription medical oxygen and may also order, store, and administer the following topical anesthetics in aerosol form:

a. Any solution consisting of 25 percent ethylchloride and 75 percent dichlorodifluoromethane.

b. Any solution consisting of 15 percent dichlorodifluoromethane and 85 percent trichloromonofluoromethane.

However, this paragraph does not authorize a chiropractic physician to prescribe medical oxygen as defined in s. 499.82(10) ~~chapter 499~~.

(d) Chiropractic physicians shall have the privileges of services from the department's laboratories.

(e) The term "chiropractic medicine," "chiropractic," "doctor of chiropractic," or "chiropractor" shall be synonymous with "chiropractic physician," and each term shall be construed to mean a practitioner of chiropractic medicine as the same has been defined herein. Chiropractic physicians may analyze and diagnose the physical conditions of the human body to determine the abnormal functions of the human organism and to determine such functions as are abnormally expressed and the cause of such abnormal expression.

(f) Any chiropractic physician who has complied with the provisions of this chapter is authorized to analyze and diagnose abnormal bodily functions and to adjust the physical representative of the primary cause of disease as is herein defined and provided. As an incident to the care of the sick, chiropractic physicians may advise and instruct patients in all matters pertaining to hygiene and sanitary measures as taught and approved by recognized chiropractic schools and colleges. A chiropractic physician may not use acupuncture until certified by the board. Certification shall be granted to chiropractic physicians who have satisfactorily completed the required coursework in acupuncture and after successful passage of an appropriate examination as administered by the department. The required coursework shall have been provided by a college or university which is

recognized by an accrediting agency approved by the United States Department of Education.

Section 2. Paragraph (d) of subsection (1) of section 460.406, Florida Statutes, is amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician must apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed \$100 which shall be nonrefundable. There shall also be an examination fee not to exceed \$500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant whom the board certifies has met all of the following criteria:

(d)1. For an applicant who has matriculated in a chiropractic college before July 2, 1990, completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an institutional accrediting agency recognized and approved by the United States Department of Education. However, before being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 1990, must have been granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by an institutional accrediting agency that is a member of the Commission on Recognition of Postsecondary Accreditation or have produced a credentials evaluation report from a board-approved organization that deems the applicant's education equivalent to a bachelor's degree.

2. Effective July 1, 2000, completed, before matriculation in a chiropractic college, at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an institutional accrediting agency recognized and approved by the United States Department of Education or produced a credentials evaluation report from a board-approved organization that deems the applicant's education equivalent to a bachelor's degree. However, before being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 2000, must have been granted a bachelor's degree from an institution holding accreditation for that degree from an institutional accrediting agency that is recognized by the United States Department of Education or have produced a credentials evaluation report from a board-approved organization that deems the applicant's education equivalent to a bachelor's degree. The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

The board may require an applicant who graduated from an institution accredited by the Council on Chiropractic Education more than 10 years before the date of application to the board to take the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic, or its equivalent, as determined by the board. The board shall establish by rule a passing score.

Section 3. Section 460.4085, Florida Statutes, is created to read:

460.4085 Performance of dry needling by chiropractic physicians.—

(1) The board shall establish minimum standards of practice for the performance of dry needling by chiropractic physicians, including, at a minimum, all of the following:

(a) Completion of 40 hours of in-person continuing education on the topic of dry needling for chiropractic physicians not certified in chiropractic acupuncture and 24 hours of such in-person continuing education for chiropractic physicians certified in chiropractic acupuncture, and passage of a written and practical examination. Online or distance-based courses do not qualify as approved hours to meet the dry needling certification requirements.

1. Course content must be approved by one or more of the following entities before a chiropractic physician may take such course for purposes of meeting the continuing education requirements of this paragraph:

- a. An entity accredited in accordance with s. 460.408.
- b. The board.
- c. The American Chiropractic Association.
- d. The International Chiropractic Association.
- e. Providers of Approved Continuing Education.
- f. The American Medical Association.
- g. The American Osteopathic Association.

2. The course instructor must be a licensed chiropractic physician, allopathic or osteopathic physician, or physical therapist holding a Doctor of Physical Therapy degree who has practiced dry needling for at least 5 years, either by instructing dry needling coursework at an accredited institution of higher education or treating patients using dry needling treatment in a professional office setting.

3. The continuing education must include instruction in all of the following areas:

- a. Theory of dry needling.

b. Selection and safe handling of needles and other apparatus or equipment used in dry needling, including instruction on the proper handling of biohazardous waste.

c. Indications and contraindications for dry needling.

d. Psychomotor skills needed to perform dry needling.

e. Postintervention care, including adverse responses, adverse event recordkeeping, and any reporting obligations.

(b) Completion of at least 10 patient sessions of dry needling performed under the supervision of a licensed chiropractic physician, allopathic or osteopathic physician, or physical therapist holding a Doctor of Physical Therapy degree who has actively performed dry needling for at least 1 year. A chiropractic physician must provide satisfactory documentation to the board demonstrating that he or she has met the supervision and competency requirements of this paragraph and does not need additional supervised sessions to perform dry needling.

(c) A requirement that dry needling may not be performed without patient consent and education on the risks and adverse events that could occur. Such patient consent and education must be included as part of the patient's documented plan of care.

(d) A requirement that dry needling may not be delegated to any person other than a chiropractic physician who is authorized to engage in dry needling under this chapter.

(2) At the request of a licensee, the board may do any of the following:

(a) Review coursework completed before July 1, 2024, to be approved to satisfy the coursework requirements of this section.

(b) Waive some or all of the hours or requirements of subsection (1) if the licensee presents satisfactory proof of completing coursework that constitutes adequate training of dry needling or of the components of education and training required for dry needling.

(c) Determine whether the licensee has received adequate training to be eligible to perform dry needling.

(3) When a chiropractic physician submits documentation to the board verifying completion of the required hours of education and training under this section, the board must issue the chiropractic physician a letter certifying that the he or she is authorized to practice dry needling under this chapter.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2024.

Filed in Office Secretary of State June 26, 2024.